

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

and

NATURAL RESOURCES DEFENSE  
COUNSEL AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND  
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.  
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven  
Whalen

**DEFENDANTS' RESPONSE TO MOTION TO ENTER AGREEMENT  
BETWEEN SIERRA CLUB AND DTE OR, IN THE ALTERNATIVE,  
NOTICE OF THAT AGREEMENT**

Defendants DTE Energy Company and Detroit Edison Company  
(collectively "DTE"), by counsel, submit the following response to Sierra Club's  
Motion to Enter Agreement Between Sierra Club and DTE Or, In the Alternative,  
Notice of That Agreement (ECF No. 267):

DTE entered the Agreement with Sierra Club (ECF No. 267-1) to resolve  
the claims in this case and potential claims outside of this case, as well as to foster  
improved relations with Sierra Club and to provide significant benefits to a valued

local community. DTE intends to abide by its commitments whether this Agreement is entered as a federal Consent Decree or stands as an independent contractual agreement under state law.

Respectfully Submitted,

/s/Harry M. Johnson, III

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*Counsel for Defendants*

Dated: June 4, 2020

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2020, the foregoing notice was served via  
ECF on counsel of record.

/s/Harry M. Johnson, III  
Counsel for Defendants